

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**FOXCONN ELECTRONICS, INC., a
California corporation; HON HAI
PRECISION INDUSTRY CO., LTD., a
Taiwanese corporation,**

Plaintiff,

vs.

LOTES CO., LTD., a Taiwanese corporation,

Defendants.

**CASE NO. 2:05cv265
PATENT CASE**

DOCKET CONTROL ORDER

It is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

October 2, 2007 Court designated date – not flexible without good cause – Motion Required	10:00 a.m. JURY SELECTION at the United States District Court, 100 E. Houston, Room 125, Marshall, Texas 75670.
October 1, 2007	PRETRIAL CONFERENCE at the United States District Court, 100 E. Houston, Room 125, Marshall, Texas 75670. Trial date to be announced.
September 26, 2007	Motions in Limine due. The parties are directed to confer and advise the Court on or before 3:00 o'clock p.m. the day before the pre-trial conference which paragraphs are agreed to and those that need to be addressed at the pre-trial conference.
September 19, 2007	Pretrial Objections due.
September 7, 2007	Objections to Rebuttal Deposition Testimony due.
August 31, 2007	Rebuttal Designations and Objections to Deposition Testimony due. For rebuttal designations, cross examination line and page numbers to be included. In video depositions, each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections.

August 21, 2007	<p>Pretrial Disclosures due.</p> <p>Video and Stenographic Deposition Designation due. Each party who proposes to offer deposition testimony shall file a disclosure identifying the line and page numbers to be offered. In video depositions, each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections.</p>
August 1, 2007	<p>Joint Pretrial Order, Joint Proposed Jury Instructions with citation to authority, and Form of the Verdict for jury trials. Proposed Findings of Fact and Conclusions of Law with citation to authority for bench trials.</p> <p>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of court proceedings is requested for trial or hearings, the party or parties making said request shall file a notice with the Court.</p>
May 15, 2007	<p>Response to Dispositive Motions (including <i>Daubert</i> motion). Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e).</p>
<p>April 27, 2007</p> <p>Court designated date – not flexible without good cause – Motion Required</p>	<p>Dispositive Motions due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions); Motion for Summary Judgment shall comply with Local Rule C.V. 56. Answer to Amended Pleadings (after Markman Hearing) due.</p>
April 19, 2007	Parties to Identify Rebuttal Trial Witnesses.
April 6, 2007	Parties to Identify Trial Witnesses; Amend Pleadings (after Markman Hearing). It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the deadline. However, except as provided in Patent Rule 3-6, if the amendment would effect preliminary or final infringement contentions or preliminary or final invalidity contentions, a motion must be made pursuant to Patent Rule 3-7 irrespective of whether the amendment is made prior to this deadline.
March 24, 2007	Discovery Deadline.
March 15, 2007	Parties designate responsive expert witnesses (non-construction issues). Expert witness reports due. Refer to Local Rules for required information.
February 8, 2007	Parties with burden of proof designate expert witnesses (non-construction issues). Expert witness reports due. Refer to Local Rules for required information.
January 18, 2007	Comply with P.R. 3-8 – Furnishing documents and privilege logs pertaining to willful infringement.
November 8, 2006	Markman Hearing at 9:30 a.m. at the United States District Court, 211 West Ferguson, 3rd Floor, Courtroom of Judge Leonard Davis, Tyler, Texas.

October 27, 2006	Parties shall jointly submit a claim construction chart on computer disk in WordPerfect format or in such other format as the Court may direct in accordance with P.R. 4-5(d).
October 27, 2006	Comply with P.R. 4-5(c) – Reply brief and supporting evidence due. The moving party is to provide the Court with 2 binders containing their reply brief and exhibits appropriately tabbed. If a technical advisor has been appointed the moving party is to provide their brief on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits to the advisor. Parties to file a notice with the Court stating the estimated amount of time requested for the Markman Hearing. The Court will notify the parties if it is unable to accommodate this request.
October 20, 2006	Comply with P.R. 4-5(b) - Responsive brief and supporting evidence due to party claiming patent infringement. The moving party is to provide the Court with 2 binders containing their Markman brief and exhibits appropriately tabbed. If a technical advisor has been appointed the moving party is to provide their Markman brief on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits to the advisor.
October 15, 2006	Mediation to be completed.
October 6, 2006	Comply with P.R.4-5(a) - The party claiming patent infringement shall serve and file an opening brief and any evidence supporting its claim construction. The moving party is to provide the Court with 2 binders containing their Markman brief and exhibits appropriately tabbed. If a technical advisor has been appointed the moving party is to provide their Markman brief on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits to the advisor.
September 29, 2006	Deadline for parties, if they desire, to provide Court with tutorials concerning technology involved in patent. If a technical advisor has been appointed, each party that provides a tutorial is requested to provide a copy to the advisor.
September 22, 2006	Discovery Deadline - Claim Construction Issues.
September 8, 2006	Respond to Amended Pleadings.
August 25, 2006	Amended Pleading (pre-claim construction) due from all parties. It is not necessary to file for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the deadline. However, if the amendment would affect preliminary infringement contentions or preliminary invalidity contentions, a motion must be made pursuant to Patent Rule 3-7 irrespective of whether the amendment is made prior to this deadline.
August 21, 2006	Comply with P.R. 4-3 - Filing of Joint Claim Construction and Prehearing Statement.
July 17, 2006	Comply with P.R. 4-2 - Exchange of Preliminary Claim Constructions and Extrinsic Evidence. Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).

May 22, 2006	Comply with P.R. 4-1 - Exchange Proposed Terms and Claim Elements for Construction.
May 1, 2006	Parties are to provide name, address, phone number, and curriculum vitae for up to three (3) agreed technical advisors and information regarding the nominees' availability for Markman hearing or an objection to use of technical advisor. If parties are unable to reach an agreement on proposed technical advisors, they are to file a notice with the Court stating that they are unable to reach an agreement. Parties are not to submit proposed technical advisors that are not agreed upon.
May 1, 2006	<p>Comply with P.R. 3-3 and P.R. 3-4 - Preliminary Invalidity Contentions due. Thereafter, it is necessary to obtain leave of Court to add and/or amend invalidity contentions, pursuant to Patent Rule 3-7.</p> <p>Defendant shall join additional parties. After this deadline, leave of Court must be obtained to join additional parties.</p> <p>Defendant shall assert any counterclaims. After this deadline, leave of Court must be obtained to assert any counterclaims.</p> <p>Add any inequitable conduct allegations to pleadings. After this deadline, leave of Court must be obtained, to add inequitable conduct allegations to pleadings.</p>
April 14, 2006	Comply with Appendix A, ¶ 2 – Additional Disclosures due (45 days after scheduling conference).
March 31, 2006	Comply with Appendix A, ¶ 1 – Disclosures due (30 days after scheduling conference).
March 15, 2006	<p>Comply with P.R. 3-1 and P.R. 3-2 - Disclosure of Asserted Claims and Preliminary Infringement Contentions due. Thereafter, it is necessary to obtain leave of Court to add and/or amend infringement contentions, pursuant to Patent Rule 3-7.</p> <p>Plaintiff shall join additional Parties. After this deadline, leave of Court must be obtained to join additional parties.</p>

In the event that any of these dates fall on a weekend or Court holiday, the deadline is modified to be the next Court business day.

So ORDERED and SIGNED this 7th day of March, 2006.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE